## City Council Atlanta, Georgia

00-0-0683

A SUBSTITUTE ORDINANCE BY: ZONING COMMITTEE

Z-00-33 9-22-00

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended and the maps established in connection therewith be changed so that the following property located at 2500 The Fountainbleau S.W. (aka 2510 Fountainbleau Drive, S.W.) be changed from the C-1-C (Community Business-Conditional) District to the C-1-C (Community Business-Conditional) District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 229 of the 14<sup>th</sup> District, Fulton County, Georgia being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development," as identified by the use of the suffix "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

A true copy,

Londa Daughin Johnson

Municipal Clerk, CMC

n.

ADDPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
ADDROVED as any City Observe Cartier 2 402

JAN 16, 2001

APPROVED as per City Charter Section 2-403

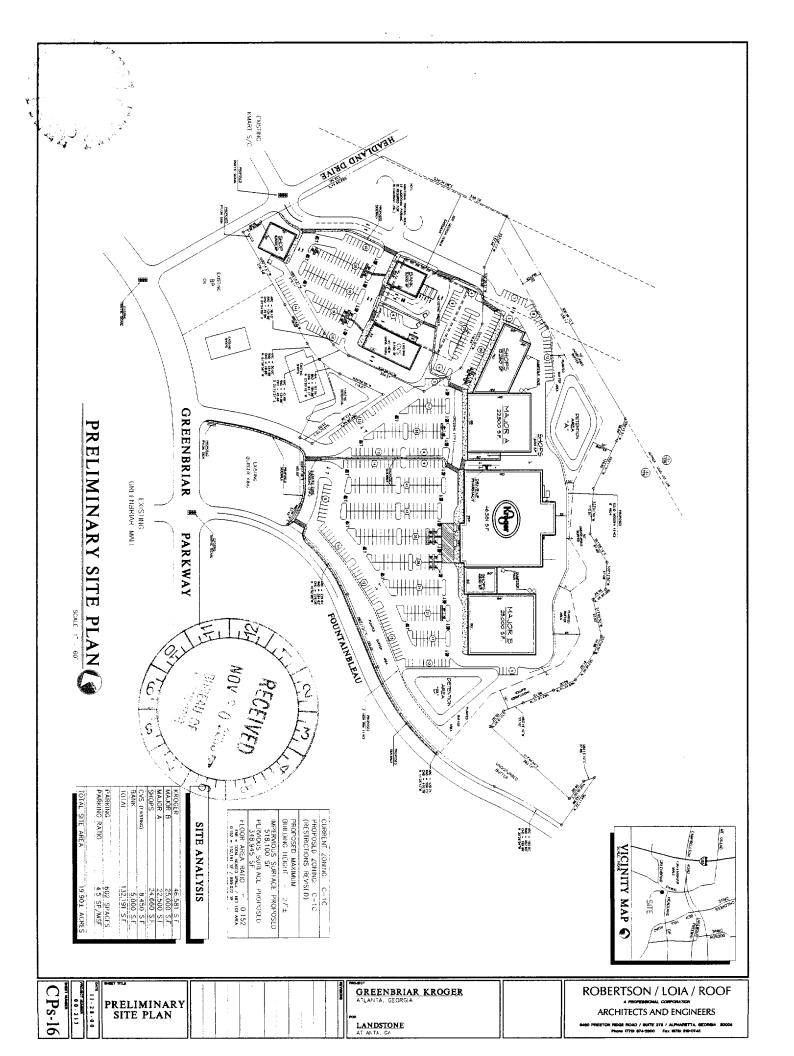
JAN 25, 2001

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## Conditions for Z-00-33

- 1. Site plan entitled "Preliminary Site Plan, Greenbriar Kroger" prepared by Robertson/Loia/Roof, Architects and Engineers, dated November 28, 2000 and marked received by the Bureau of Planning November 30, 2000.
- 2. New sidewalks shall be a minimum of five-feet in width and shall be planted with trees in a tree planting zone that is a minimum of five-feet in width.
- 3. Oil separation filters shall be installed on the discharge pipes of all detention ponds that are constructed on the property.
- 4. The attached letter, identified as "Exhibit A", from Edward Pease, Landstone LLS to Ms. Marva Kenny, Continental Colony Community Association dated October 17, 2000 and marked received by the Bureau of Planning December 7, 2000 is hereby considered a condition of this rezoning and it's provisions shall be enforced as such.



FAX:770 409 0252

## Landstone

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Agal Estato Development & Juvestment Properties Exhibit A

October 17, 2000-

Ms. Marva Kenny Continental Colony Community Association 2410 Black Forest Road Atlanta, GA 30331

RE:

KROGER - GREENBRIAR

Dear Ms. Kenny:

Z-00-33

Thank you for hosting a neighborhood meeting last week to further review our proposed shopping center in your neighborhood.

I am having our site plan revised to reflect the comments of the last meeting. When the plan is completed I will forward you a copy.

The comments that we have agreed to and have included in the revised plan are as follows:

- 1. Install an eight (8) foot wooded fence behind the shopping center. This will be reflected on the new plan.
- 2. Install a split rail fence at the edge of the shopping centar parking area along Fontainebleau. The split rail fence is similar to what is required in the City of Roswell for a Village Concept. This will be reflected on the site plan.
- 3. Install evergreen shrubs along split rail fence.
- 4. Plant trees in the slope area along Fontainebleau.
- 5. Leave a fifty (50) foot undisturbed buffer area by lake. This is reflected on the site plan.
- 6. Add additional planted buffer area between the shopping center and the fifty (50) foot buffer. This will be reflected on the site plan.
- 7. Reduce the parking ratio from 5 to 1 to 4.25 to 1.
- The Kroger façade will be similar to the Kroger Holcomb Bridge Road in Fulton County. Please note
  that the Holcomb Bridge Road prototype is no longer being built by Kroger.
- 9. The site will be developed per the City of Atlanta tree ordinance.
- 10. The site will meet or exceed guidelines of the Georgia Department of Natural Resources and the City of Atlanta for erosion control during construction.
- 11. Current erosion problems along Fontaineblue and behind Taco Bell will be reviewed with neighborhood. Please note that this area is private property and Landstone LLC or The Kroger Company has no right to enter this property without permission.
- 12. Kroger will provide carts with locking wheels with a written request from the NPU. Ongoing use of this type of cart is subject to Kroger's review.
- 13. All drives and entries will be per the site.
- 14. Landlord agrees to restrict uses prohibiting any adult type uses in the shopping center. This would include liquor store (except what would be sold at Kroger or in a drug store), adult book stores, adult video stores, health spas, teens centers, game rooms, nightclubs, bowling centers and pawn shops.

Please let me know if this includes all of the items that we have discussed.

I also wanted to let you know that CVS/pharmacy has decided to remain in their current location for the remainder of their lease term. In order to alter the existing Kroger/CVS shopping center we must have the written permission of CVS/pharmacy. In the event that they will not allow us to alter the existing conditions of the shopping center, we may not include the existing Kroger/CVS shopping center in our plans.

CHATTANOOGA • 3804 St. Elmo Avenue, Suite 103 • Chattanooga, TN 37409 • Phone 423.821.7558 • Fax 423.821.7562

ATLANTA - 315 Dewpoint Lane • Alpharetta, GA 30022 - Phone 770.662.5995 • Fax 770.409.0252

If you should have any additional questions, please contact me at 770-662-5995.

Sincerely.

**Edward Pease** Landstone LLC

CEP/

Copy:

Carl Westmoreland – Powell & Goldstein Byvonne Johnson – The Kroger Company Joe Settle - Landstone LLC

7-00-33 Pars 2062

All that tract or parcel of land lying and being in Land Lot 229, of the 14th district of Fulton County, Georgia, and being more particularly described as follows:

Beginning at the northeast corner of the intersection of Greenbriar Parkway (now located with an 80' R/W), and The Fountainbleau, and proceeding along, the northern right-of-way of The Fountainbleau for a distance of 207.5 feet to a point of beginning; thence north 60°56'19" east for a distance of 57.45 feet to a point; thence north 29°27'39" east for a distance of 165.00 feet to a point; thence south 33°32'45" east for a distance of 33.00 feet to a point; thence north 84°28'46" east for a distance of 212.38 feet to a point; thence north 34°56'55" west for a distance of 116.57 feet to a point; thence along the arc of a curve having a radius of 184.98 feet, an arc length of 62.06 feet, being subtended by a chord bearing of north 25°20'18" west for a chord distance of 61.77 feet to a point; thence along the arc of a curve having a radius of 184.98 feet, an arc length of 50.00 feet, being subtended by a chord bearing of north 07°58'58" west for a chord distance of 49.85 feet to a point; thence north 00°14'21" west for a distance of 109.53 feet to a point; thence north 00°14'21" west for a distance of 206.58 feet to a point; thence north 89°45'39" east for a distance of 50.00 feet to a point; thence south 89°08'44" east for a distance of 339.50 feet to a point; thence south 34°34'08" east for a distance of 338.78 feet to a point; thence south 00°39'10" east for a distance of 578.12 feet to a point; thence south 50°45'51" west for a distance of 58.69 feet to a point; thence south 55°17'51" west for a distance of 129.85 feet to a point; thence south 33°51'50" west for a distance of 112.51 feet to a point; thence south 01°06'10" east for a distance of 81.00 feet to a point; thence south 32°12'50" west for a distance of 67.09 feet to a point; thence south 80°58'50" west for a distance of 39.52 feet to a point; thence south 17°04'50" west for a distance of 93.52 feet to a point; thence south 52°36'50" west for a distance of 44.88 feet to a point; thence south 63°46'50" west for a distance of 81.00 feet to a point; thence north 85°45'10" west for a distance of 60.00 feet to a point; thence north 83°19'10" west for a distance of 80.15 feet to a point; thence north 83°19'10" west for a distance of 52.10 feet to a point; thence south 70°18'50" west for a distance of 50.00 feet to a point; thence south 17°44'44" east for a distance of 263.17 feet to a point; thence north 69°06'50" east for a distance of 56.00 feet to a point; thence south 80°15'10" east for a distance of 27.98 feet to a point; thence south 64°11'22" west for a distance of 142.89 feet to a point; thence along the arc of a curve having a radius of 952.63 feet, an arc length of 190.00 feet, being subtended by a chord bearing of north 30°26'04" west for a chord distance of 189.69 feet to a point; thence along the arc of a curve having a radius of 556.23 feet, an arc length of 420.74 feet, being subtended by a chord bearing of north 14°28'42" west for a chord distance of 410.78 feet to a point; thence north 07°11'27" east for a distance of 194.29 feet to a point; thence along the arc of a curve having a radius of 364.62 feet, an arc length of 229.84 feet, being subtended by a chord bearing of north 10°52'05" west for a chord distance of 226.06 feet to a point; said point being the point of beginning.

Said tract containing 19.90 acres more or less.

## Atlanta City Council

Regular Session

MULTIPLE

00-0-0683 & 00-0-0867

ADOPT ON SUB

YEAS: 15

NAYS: 0
ABSTENTIONS: 0 NOT VOTING:

EXCUSED: 0

ABSENT 0

Unanimous

Y	McCarty	Y	Dorsey	Y	Moore	Y	Thomas
Y	Starnes	Y	Woolard	Y	Martin	Y	Emmons
Y	Bond	Y	Morris	Y	Maddox	Y	Alexander
Y	Winslow	Y	Muller	Y	Boazman	NV	Pitts

COUNCIL ACTION	Readings Readings	Committee Consent Vote & RC Vote	Date	Chair	Fav, Adv, Held (see rev. side)	Othors  JAN 16 2001	Members			Refer To	Committee	Date   5 2 6 2 1 1 1 2 5 2 6 5 1 1 2 6 2 6 5 1 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2	Chair R. B. CLERIK	Actions Held (see rev. side)	Others MAYOR'S ACTION	Members			JAN 2 2 LUUS	
First Reading Committee COLVING Date	部分ない	Committee	Date C/	Chair Mark	e rev. side)	Un sale shat	Sharp All James	January 2	Hair Muller	Refer To	Committee	Date	Chair	Action: Fav, Adv, Hold (see rev. side) Fav, Adv,	Others	Members				
00- () -00	or write Above In	AN OKDINANCE Z-00-33 BY: ZONING COMMITTEE	AN ORDINANCE TO REZONE FROM THE	C-1-C (COMMUNITY BUSINESS-CONDITIONAL) DISTRICT TO THE C-1 (COMMUNITY-BUSINESS)	DISTRICT, PROPERTY LOCATED AT 2500 THE FOUNTAINBLEAU, S.W. (AKA 2510 FOUNTAINBIFAH DETVE S.W.)	FRONTING APPROXIMATELY 811 FEET ON THE EASTEDIX SIDE OF FOUNTAINRIFAIL	BEGINNING APPROXIMATELY 215 FEET NORTHERLY FROM THE NORTHEAST CORNER	•• CI	14TH DISTRICT, FULTON COUNTY, GEORGIA. OWNER: CITY PROPERTIES, INC. APPLICANT: BIG BETHEL A.M.E. CHURCH	• —		CITY COUNCALD CHAY EDS ENTO	IVI 1 & 2004		CONSENT REFER UPGAN MOUS	IT REFER FER	1st ADOPT 2nd READ & REFER	Date Referred $5/(5/o U)$	Referred To: 3XB ( Joning	